IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 20118 of 2007(T)

(C.S.NO.301/04 OF THE MUNSIFF'S COURT, PERUMBAVUR)

PETITIONERS:
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1. **RAJESH V.G., S/o. GOVINDAN, AGED 45 YEARS, VAZHAYILVEETIL, PERUMBAVURKARA, PERUMBAVUR VILLAGE.**

2. **RENJITH, S/o. GOVINDAN, REP. BY POWER OF ATTORNEY V.G.SANTHOSH, S/o. GOVINDAN, AGED 42 YEARS, VAZHAYILVEETIL, PERUMBAVURKARA, PERUMBAVUR VILLAGE.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. **MOHAMMED RAFEEK MOIDU, AGED 37 YEARS, S/o.MAMMOOTTY, MIL HOUSE, PRUMBAVURKARA, PERUMBAVUR VILLAGE, ERNAKULAM DISTRICT.**

2. **PERUMBAVUR MUNICIPALITY, REP. BY IT SECRETARY, MUNICIPAL OFFICE, PERUMBAVUR.**

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN,J

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W.P.C.NO.20118 OF 2007

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Dated this the 29th Day of June, 2007.

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JUDGMENT

This Writ Petition is filed seeking a direction to the Munsiff, Perumbavoor, to pass final orders on I.A.1538/07, 1539/07 and 1541/07 in C.S.No.301/2004 of that court and to defer the trial by two seeks. A perusal of the Writ Petition would reveal that the amendment application had been filed before this court on 21.6.2007 and that a counter has been filed on 25.6.2007. It is true that the matter would have been posted in the list. But when the plaintiff wants to seek an amendment of the plaint, necessarily, the court can proceed with the trial of the suit only after the disposal of the amendment application. That should not be dismissed outright on the ground that the suit is posted in the list for a particular date. So also, the other petitions also may be disposed by learned Munsiff after hearing both sides in accordance with law. Learned Munsiff shall defer the case by two weeks and after the disposal of the Interim Applications and obtaining the order, may further list the case and dispose it in accordance with law.

The Writ Petition is disposed of accordingly.

M.N.KRISHNAN, JUDGE.

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